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Latonia Smith

6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8
9 UNITED STATES OF AMERICA,

Case No.: 2:19-cr-00304-RFB-VCF-1

10 Plaintiff,

11 vs.

12 LATONIA SMITH,

13 Defendant.

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15 **AMENDED MOTION TO SET FARETTA**
16 **HEARING**

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28 Defendant Latonia Smith moves the court, by way of her appointed counsel, Telia U. Williams, as soon as possible, to set a hearing to canvass her, pursuant to *Faretta v. California*¹, in order that she may be allowed to proceed in this case *pro se*. Ms. Smith's intention is to proceed *pro se*, and to have the earliest date possible for her trial. At the same time, Ms. Smith is not certain that she can be ready for her trial as a *pro se* defendant by the current date for trial, but she is not interested in moving the trial date at this time. The defendant respectfully submits that she would first like to be canvassed for *Faretta*, and if determined competent to represent herself, then the court may canvass Ms. Smith regarding her trial readiness vis-à-vis available trial dates.

¹ See 422 U.S. 806 (1975).

1 Ms. Smith initially sought this relief on an emergency basis on or near June 8, 2020.
2 However, after the filing of her *Faretta* motion, the Government challenged Ms. Smith's¹
3 competence to stand trial. On or near August 10, 2020, the court ordered that Ms. Smith undergo²
4 a competency evaluation pursuant to Title 18, United States Code, Section 4241(b). Ms. Smith³
5 was transferred into the custody of the Bureau of Prisons for a competency evaluation, which⁴
6 was completed on or near October 8, 2020. This court conducted a competency hearing for Ms.⁵
7 Smith on or near January 21, 2021, at which Ms. Smith was found competent. The court held a⁶
8 hearing on or near March 3, 2021, where among other things, undersigned counsel was directed⁷
9 to file an updated *Faretta* request, if Ms. Smith desired one, by today, March 22, 2021, as well as⁸
10 to let the court know about Ms. Smith's intentions regarding trial readiness and the available trial⁹
11 dates.¹⁰

12 Thereafter, Ms. Smith was transferred back to the Nevada Southern Detention Center¹¹
13 (NSDC), where she arrived on or near March 10, 2021. Counsel has had two videoconferences¹²
14 since then with Ms. Smith in which she has confirmed her desire to proceed in representing¹³
15 herself. Nonetheless, Ms. Smith also desires to assert her Speedy Trial rights, and to have her¹⁴
16 trial go forward as soon as possible. Ms. Smith would like contemporaneously to discuss trial¹⁵
17 readiness and available trial dates if she has been found competent to represent herself. If Ms.¹⁶
18 Smith is not able to represent herself, she likely intends to request to keep her trial date.¹⁷

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1 Thus, Ms. Smith requests that she be canvassed as soon as possible to determine her
2 ability to represent herself.

3 Dated this 22nd day of March, 2021.
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5 Respectfully submitted,
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7 **LAW OFFICE OF TELIA U. WILLIAMS**
8 /s/ Telia U. Williams, Esq.

9 Telia U. Williams, Esq.
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12 Las Vegas, NV 89145
13 *Attorney for Defendant, Latonia Smith*

14 **CERTIFICATE OF SERVICE**

15 The undersigned hereby certifies that on the following date the foregoing motion was
16 electronically filed with the Clerk of Court using the CM/ECF system which sent notification of
17 such filing to all counsel of record.

18 Dated: March 22, 2021

19 /s/ David DaSilva

20 For the Law Office of Telia U. Williams